

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

TRAVIS LOWE

PLAINTIFF

VS.

CIVIL ACTION NO. 3:04cv992-JCS

KELLY YORK, et al.

DEFENDANTS

MEMORANDUM OPINION AND ORDER

Plaintiff, an inmate in the custody of the Mississippi Department of Corrections (MDOC) , brought this action pursuant to 28 U.S.C. § 1983 alleging that Defendants, officers at the Walnut Grove Youth Correctional Facility, violated his rights by the use of excessive force against him. The parties consented to jurisdiction by the undersigned, and a bench trial was held on May 30, 2007.

At the trial, Plaintiff testified that on the date in question, he disobeyed an order by refusing to go to a newly-assigned housing unit. This was reported to Defendant York, who, along with other officers, including Defendant Madden, approached Plaintiff and asked him why he was refusing the order. Plaintiff attempted to walk past the officers, at which point Defendant Madden placed his hand on Plaintiff's chest in an attempt to stop him. In response, Plaintiff slapped Madden's hand away. Defendants York, Madden, and two other officers then took Plaintiff down to the floor. As a result of the take-down, Plaintiff sustained an abrasion to his head, which was treated at the facility's medical clinic. The testimony of other witnesses called by Plaintiff in his case-in-chief was consistent with Plaintiff's testimony.

As announced by the court at the close of Plaintiff's evidence, the court finds that

Defendants are entitled to judgment as a matter of law. Plaintiff's evidence does not establish a constitutional violation; rather, his own testimony established that the amount of force used by Defendants was reasonable in light of Plaintiff's refusal to go to his housing unit and his attempt leave the scene. For this reason, judgment will be entered in favor of Defendants. A separate judgment will be entered pursuant to Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED, this the 18th day of June, 2007.

/s/ James C. Sumner

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UNITED STATES MAGISTRATE JUDGE